

### **Remarks**

Claims 1, 5-8, 10-14, and 18-25 were pending, with claims 18-25 withdrawn. Claims 11 and 18-25 are cancelled. Claim 27 is added. Therefore, upon entry of this amendment, claims 1, 5-8, 10, 13-14, and 27 are now pending.

Support for the claim amendments can be found throughout the specification, for example:

Claims 1 and 12: claim 11 and page 5, lines 15-27.

Claim 14: page 19, lines 22-25.

Claim 27: page 19, lines 26-29.

No new matter is introduced by this amendment and no amendments are made to distinguish prior art.

Applicants thank the examiner for withdrawing the previous objection to the sequence listing, the 35 U.S.C. § 112, first paragraph, enablement rejection, and the 35 U.S.C. § 102(b) rejection.

### **Rejections under 35 U.S.C. §112, second paragraph**

Claims 10 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants request reconsideration.

#### **Claim 10**

We respectfully disagree with the Office's position. Claim 10 specifies that the antibody comprises two sc(Fv)<sub>2</sub> molecules that form a dimer. Since one sc(Fv)<sub>2</sub> molecule contains two VH/VL pairs (*i.e.*, two Fv units), two sc(Fv)<sub>2</sub> molecules contain four Fv units. Thus, the scope of claim 10 is within that of claim 1.

#### **Claim 14**

Claim 14 has been amended to clarify that the amino acid sequence of SEQ ID NO: 2, 4, or 6 (each containing one Fv unit) forms a trimeric or higher multimer. In addition, new claim 27 specifies that the amino acid sequence of SEQ ID NO: 8 (containing two Fv units) forms a dimeric or higher multimer. Thus, the scope of claims 14 and 27 is within that of claim 1, making the rejection moot

Therefore, Applicants request that the 35 U.S.C. § 112, second paragraph rejections be withdrawn.

**Rejections under 35 U.S.C. §112, first paragraph: Written Description**

Claims 1, 5-8, and 10-14 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants request reconsideration.

Claim 1 has been amended to specify that the tumor necrosis factor-related apoptosis inducing ligand receptor is TRAIL-R2.

As noted in the Office Action (*e.g.*, page 8), the present application discloses working examples (*e.g.*, Figs 1 to 3) that demonstrate that the antibodies of the present invention (triabodies and tandem diabodies such as those comprising the sequence of SEQ ID NO: 2, 4, 6 or 8) have cytotoxic activity against cells expressing TRAIL-R2.

Thus, the present specification supports the antibodies encompassed by the scope of the amended claims, and the written description requirement is fulfilled.

In view of this amendment, Applicants request that the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

**Rejoinder**

The amended claims are in condition for allowance. Thus, we request rejoinder of the non-elected species, namely SEQ ID NOs: 2, 4, and 6.

If there are any minor issues to be resolved before a Notice of Allowance is granted, the examiner is invited to telephone the undersigned.

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